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July 15, 2016

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, DC 20554

*Re: In the Matter of Protecting the Privacy of Customers of Broadband and other  
Telecommunications Services, WC Docket No. 16-106*

Dear Ms. Dortch:

On July 14, 2016, Michael Foor, Vice President, Market and Member Services of NGN; Kevin Short, General Manager of Anza Electric Cooperative, Inc. (by phone); Hunter Goosmann, CEO of ERC Broadband; Gail Karish and the undersigned of Best Best & Krieger, in our respective roles as counsel to the Rural Non-Profit Coalition met with Nicholas Degani, Legal Advisor to Commissioner Ajit Pai and Amy Bender, Legal Advisor to Commissioner Michael O'Rielly to review the unique characteristics of small rural ISPs and to explore how the Commission's proposal for customer privacy will impact such entities' operations. The group shared the enclosed handout which outlines the group's recommendations and reflects support for these positions by other parties that offered comments in the proceeding. The handout serves as an accurate reflection of the conversations that took place in the two meetings.

Pursuant to the Commission's rules, a copy of this letter is being filed via ECFS with your office. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gerard Lavery Lederer', written over a horizontal line.

Gerard Lavery Lederer  
of BEST BEST & KRIEGER LLP

cc (by email):  
Nicholas Degani  
Amy Bender

**PROTECTING THE PRIVACY OF CUSTOMERS OF BROADBAND AND OTHER  
TELECOMMUNICATIONS SERVICES (WC DOCKET NO. 16-106)  
HANDOUT OF RURAL NON-PROFITS<sup>1</sup>  
FCC MEETINGS, JULY 13 AND 14, 2016**

- No commenters appear to have objected to having small provider exemptions.
- There is strong support in the docket for expanding small provider exemptions beyond limited exemption in NPRM, with some variation in specific proposals. *See* filings by Rural Wireless Association (RWA), American Cable Association (ACA), WTA-Advocates for Rural Broadband (WTA), Competitive Carriers Association (CCA), U.S. Telecom Association (USTA), NTCA – The Rural Broadband Association (NTCA), U.S. Small Business Association Office of Advocacy (USSBA), Wireless Internet Service Providers Association (WISPA), Electronic Frontier Foundation (EFF).
- Rural Non-Profits:
  - are not challenging the legal authority of the FCC to adopt privacy rules.
  - support reasonable rules for protecting customer privacy and data security with appropriate exemptions for small providers.
  - agree with concerns expressed by USSBA and others that costs of compliance are hard to know and FCC should further investigate potential costs and burden-reducing alternatives.
  - agree with WTA, RWA, USSBA, ACA, WISPA - rules should take into account size and resources in determining reasonableness of provider's approach to implementing information and network security procedures.
  - agree with ACA - FCC should not mandate encryption or specific encryption standards or practices for customer proprietary information.
  - agree with CCA, RWA, NTCA, WISPA, ACA - if the FCC declines to adopt small provider exemptions, it should significantly extend time for small providers to comply with new rules.

<b>RURAL NON-PROFITS' SPECIFIC RECOMMENDATIONS</b>	<b>SUPPORT IN DOCKET</b>
FCC should increase size of "small provider" that qualifies for exemptions to those serving less than 15,000 customers	CCA – 500,000 WTA, RWA, USTA – 100,000
FCC should look for opportunities for harmonization of these rules with various existing privacy-related rules	RWA, ACA, WTA, CCA, USTA
FCC should establish standard disclosures and create safe harbors to assist with compliance	NTCA, RWA, WISPA, ACA, EFF
FCC should simplify or eliminate duplicative opt-in and opt-out mechanisms	WTA – exemption from customer disclosure and solicitation of customer approval requirements CCA – FCC should not adopt new privacy notice and disclosure rules

<sup>1</sup> The Rural Non-Profits are: Education and Research Consortium of the Western Carolinas, Inc., Anza Electric Cooperative, Inc., and North Georgia Network Cooperative, Inc. (whose members are Habersham Electric Membership Corporation, Blue Ridge Mountain Electric Membership Corporation, and Georgia Communications Cooperative, dba NGN Connect).

RURAL NON-PROFITS' SPECIFIC RECOMMENDATIONS	SUPPORT IN DOCKET
<p>FCC should broaden “inferred consent” for customers of small providers to allow use and disclosure to third parties including affiliates and strategic partners, for marketing or providing <i>any communications-related service</i> and exempt from the opt-out and opt-in approval requirements to the extent consistent with the change in the definition of inferred consent</p> <p>Exemption to allow small providers to disclose aggregate customer proprietary information for the purpose of providing or marketing any communications-related service</p> <p>Exemption from recordkeeping requirements for information covered by inferred consent.</p>	<p>ACA – exemption from requirement to obtain additional customer approval to use, disclose, or make available customer proprietary information, provided they do not share sensitive customer PI with unaffiliated third parties for marketing purposes</p> <p>WISPA – if FCC rejects FTC approach, FCC should exempt small providers from the proposed customer approval framework altogether, or exempt small providers from opt-in approvals, provided that they do not share the information with unaffiliated third parties for marketing purposes.</p> <p>WTA, CCA, RWA, ACA, EFF do not support imposing dashboard requirement on small providers</p>
<p>Should be adequate to have privacy notice available on homepage</p> <p>Point of sale requirements should be optional</p>	<p>EFF – FCC should allow providers the flexibility to design their own notice policies, as long as they are “sufficiently prominent, effective, and easy to use”</p> <p>CCA – FCC should not adopt new privacy notice and disclosure rules</p>
<p>Allow approvals already obtained from customers to be grandfathered</p>	<p>WISPA , WTA, ACA, RWA, USSBA, USTA</p>
<p>FCC should clarify whether rules would require hiring a senior management official responsible for implementing and maintaining information security measures or can designate an appropriate person with that responsibility even if not “senior”</p>	<p>WISPA, NTCA, RWA, WTA oppose establishing specific qualifications for the senior management officials</p>
<p>Exemption from responsibility for the use or misuse of customer data by third parties with whom share such information</p>	<p>CCA, ACA, RWA, CTIA, NTCA</p>
<p>Exemption from notices to federal agencies:</p> <ul style="list-style-type: none"> <li>- to FCC when discover improperly-working opt-out mechanisms, or use, disclosure, or permission of access to customer data subject to opt-in approval without first obtaining opt-in approval.</li> <li>- to FCC, FBI and Secret Service when breach occurs.</li> </ul>	<p>CCA; ACA; USSBA – “as soon as practicable” standard for notices</p> <p>WTA – reasonably timely manner standard for notices</p>